

REVENUE: No revenue impact

FISCAL: May have fiscal impact, statement not yet issued

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| Action: | Do Pass and Be Referred to the Committee on Ways and Means by prior reference |
| Vote: | 9 - 0 - 0 |
| Yeas: | Barker, Bonamici, Cameron, Flores, Komp, Krieger, Read, Whisnant, Macpherson |
| Nays: | 0 |
| Exc.: | 0 |
| Prepared By: | Darian Stanford, Counsel |
| Meeting Dates: | 4/4, 4/24 |

WHAT THE MEASURE DOES: Provides for presumptive life sentence without possibility of release or parole for sex crime involving forcible compulsion if defendant has prior conviction for sex crime involving forcible compulsion

ISSUES DISCUSSED:

- Sentences are presumptive, not mandatory minimums

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: HB 2349 makes life without the possibility of release or parole the presumptive sentence for certain sex crimes involving forcible compulsion anytime the defendant has a prior sex crime involving forcible compulsion. The bill applies only to the following crimes (and only when those crimes involve forcible compulsion):

- (1) rape 1 [intercourse],
- (2) sodomy 1 [anal/oral],
- (3) unlawful sexual penetration 1 [penetration of vagina/anus/penis of another with object other than penis or mouth of defendant]
- (4) sexual abuse 1 [subject another to sexual contact]

ORS 163.305(2) defines forcible compulsion as compelling someone by: (1) physical force; or (2) an express or implied threat that places a person in fear of imminent or future death or physical injury to the person or another or in fear of being kidnapped.

HB 2349 does not apply to a defendant under age 18 years. However, if the defendant is over age 18, but received an adult sentence for a prior forcible sex crime when he was under age 18, then the sentencing enhancement still applies.